17th May 1954] [Sri M. P. Govinda Menon]

put in with a view to raising food-crops in those days of scarcity. That is why the Explanation has been put in. There is sufficient notice to the persons concerned."

* SRI K. BHASHYAM :—" I am still in doubt even though what the hon. Member said may be quite correct. I ask why should a person, who has done *ponam* cultivation and who has been allowed to do so, be exempted? There may be some more trees left upon the land in which *ponam* cultivation has taken place. To that extent at least the man must be prevented from felling any more trees. Therefore, I do not understand why exemption should be given in respect of such persons."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, if even the hon. Member coming from Malabar, who has studied the subject and handled cases, is not able to convince the hon. Member Sri K. Bhashyam, I am sorry I cannot."

MR. CHAIRMAN :—" The question is—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1953 (L.A. Bill No. 23 of 1953), as passed by the Assembly, be passed into law '."

The motion was carried and the Bill was passed into law.

(2) THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE AND HEREDITARY VILLAGE OFFICES (AMENDMENT) BILL[a], 1954 (L.A. BILL NO. 22 OF 1954).

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move—

' *That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill* [a], 1954 (*L.A. Bill No.* 22 *of* 1954), *as passed by the Assembly*, **be taken** *into consideration.*' "

Sir, the object of this Bill is to provide for the suspension of village officers during the pendency of an enquiry into their conduct. This is not provided for in the Act. That is why we are introducing this provision conferring the power on officers to suspend a village officer pending enquiry."

MR. CHAIRMAN :—" Motion moved—

' That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be taken into consideration.' "

SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, when I looked into the Act I found that the Collector has got the power to suspend or dismiss any village officer. Suspension pending enquiry is also suspension. The law does not require any further amendment for the purpose of suspending a village officer

[a] Printed as Appendix III on pages 198-199 infra.

pending enquiry. Why should we raise a new point and for that purpose bring in legislation which will create some trouble? After all, when we suspend a person, there is the further difficulty of appointing some other person. If we suspend a village officer pending enquiry, some other person from among the heirs of the particular village officer should be found and he must be appointed for a short time. The power of suspension is already there. Why should we now say 'pending enquiry'? No court has till now decided that we have not got the power to suspend the village officer. Under section 7 of the Act, we have got the power to suspend and dismiss."

THE HON. SRI C. SUBRAMANIAM :—" One form of punishment may be suspension. But, before coming to a decision whether a particular village officer is guilty or not, whether we can place him under suspension, is a doubtful point. That is why we are introducing this Bill."

SRI K. BALASUBRAMANYA AYYAR :—" Sir, suspension pending enquiry is punishment. An officer is suspended only if there is a suspicion against him.

3-10 p.m. " The Government can dismiss an officer for any reason. The Government can suspend or dismiss an officer. The Act is itself clear, unless the Government want to read something extra into it. Suspension itself is punishment."

THE HON. SRI C. SUBRAMANIAM :—" Sir, on numerous occasions it was not held to be so."

SRI K. BALASUBRAMANYA AYYAR :—" If the Government suspend an officer that itself is punishment. It may not, however, be final punishment. Why should we bring in a Bill for suspending an officer pending enquiry? There is already provision for this in the Act."

* SRI G. KRISHNAMURTHI :—" Sir, I should like the Hon. Minister, who is piloting this Bill, to enlighten the House on the following points: (1) Are the village officers full-time servants? (2) Are they Government servants? (3) Are the Government Servants' Conduct Rules applicable to them? (4) Have they any leave registers maintained by their superiors? (5) If they are suspended, are they to be suspended up to the period of leave to their credit? (6) Are they paid any full-time allowance? (7) Considering the fact that we have been able to collect a revenue of more than Rs. $4\frac{1}{2}$ crores at cheap cost, is it advisable on the part of the Government to impose so many stringent regulations on these village officers, when we are not able to pay them full-time salaries? These are the points on which I should like enlightenment."

SRI A. GAJAPATHY NAYAGAR :—" மன்றத் தலைவர் அவர்களே, கிராம முனிசீபுகளும், கர்ணங்களும் கிராமங்களில் செய்யும் வேலைகளை

யாவரும் அறிவார்கள். அவர்களை, விசாரணை காலத்தில் வேலையிலிருந்து நிறுத்தி வைப்பதற்காக இந்த மசோதாவின் மூலம் கலெக்டருக்கு அதிகாரமளிப்பதானது நல்லதென்றே நான் கருதுகிறேன். ஏனெனில், ஒரு கலெக்டரானவர் ஒரு கர்ணம் மீது ஒரு வழக்குத் தொடுத்து, ஒரு உத்தரவு பிரகாரம் அவரை ஒரு குறிப்பிட்ட குற்றத்திற்காக குறிப்பிட்ட காலத்திற்கு நீக்கிவைத்தால், கணக்குப் புத்தகங்களையும், மற்ற ரிகார்டுகளையும் யாரிடமும் கொடுக்காமல் தானே வைத்துக்கொண்டு குறிப்பிட்ட காலம்வரை கிராம வேலை சரியாக நடக்க முடியாதபடி செய்து விடுகிறார்கள். ஆனால், தற்காலிகமாக அவரை நீக்கவேண்டும். அதாவது வேலையிலிருந்து 'ஸஸ்பெண்டு' பண்ணவேண்டுமென்று சொன்னால், உடனே ரிகார்டுகள் எல்லாவற்றையும் கொடுக்கவேண்டியதாய் விடும். அப்பொழுது வேலை நியாயமாக நடக்கும். ஆகையினால், கர்ணங்களை விசாரணைக் காலத்தில் வேலையிலிருந்து "சஸ்பெண்டு" செய்து வைப்பதற்கு அதிகாரம் இல்லாவிட்டால், விசாரணைக் காலத்தில் அன்றாடம் கிராமங்களில் நடைபெறவேண்டிய வேலைகளை அவர்கள் தடை செய்யக்கூடும்.

" தற்காலிகமாக நீக்குதல் ஒருவிதமான தீர்ப்பு ஆகாது. ஒரு குற்றம் சாட்டி, அந்தக் குற்றத்தை விசாரித்து, 'உன்னை நான் "சஸ்பெண்டு" பண்ணுகின்றேன்", என்று நீக்கினால்தான் அது தீர்ப்பாகும். இடையே ஒரு உத்தரவு போட்டால் அது தீர்ப்பு ஆகாது. தற்காலிக உத்தரவாயிருந்தால், அதைக் குற்றமாகவோ அல்லது தீர்ப்பாகவோ கொள்ள முடியாது. ஆகையால், இம்மாதிரி தற்காலிகமாக சஸ்பெண்டு செய்வது தீர்ப்பு அல்ல. அது சாதாரண உத்தரவு ஆகும். அம்மாதிரி உத்தரவு போடுவது நியாயம் என்று சொல்லிக்கொண்டு, இந்த மசோதாவை நான் வரவேற்கின்றேன்."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, as regards the status of the village officers, I may say that it partakes of the nature of full-time service for some purposes and for certain other purposes village officers are not considered full-time servants. This is the existing practice. When we begin to reform the whole question of village offices, I will take the valuable advice of the hon. Member.

" The hon. Member Sri Balasubramanya Ayyar said that there was no necessity for this Bill, and provision for punishment pending enquiry was there already. I say, Sir, it is not there already. The Act expressly gives powers to impose penalties on village officers only after enquiries are made. Now, before we make an enquiry and punish the person or acquit him, we cannot keep the person under suspension. In every department when a serious offence is committed, the officer concerned has to be suspended. Having him in office, we cannot make a proper enquiry. Therefore there is need for suspending him pending enquiry. That is sought to be done by this Bill. If any trouble should arise, Dr. John will say, 'Why did not the Government bring in a small Bill; we could have passed it in five minutes.' Now hon. Members opposite say, 'where is the necessity for this Bill'. I cannot allow difficulties to arise. I do not know why the hon. Member Sri Balasubramanya Ayyar should concentrate so much attention on this Bill, when he has yielded on many other important matters. I would request hon. Members to pass this Bill."

MR. CHAIRMAN :—" The question is—

'That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be taken into consideration.' "

The motion was carried.

The clause by clause consideration of the Bill was then taken up.

Clauses 2, 3, 4 and 1 and the Preamble were put and carried.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move—

'*That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill,* 1954 (*L.A. Bill No.* 22 *of* 1954), *as passed by the Assembly, be passed into law*'."

MR. CHAIRMAN :—" Motion moved—

'That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be passed into law.' "

* SRI M. P. GOVINDA MENON :—" Sir, in answer to the points raised by the hon. Member Sri G. Krishnamurthi, the Hon. Minister said that the whole system of hereditary village officers would be reformed. In this connexion I am forced to say this. The hereditary system obtaining at present must cease. If a person happens to be a village officer, his son automatically becomes the village officer. Therefore these village offices are held by a particular set of people. In considering measures of reform, the question of abolishing the hereditary system of village officers must be taken up."

MR. CHAIRMAN :—" The question is—

'That the Madras Proprietary Estates' Village Service and Hereditary Village Offices (Amendment) Bill, 1954 (L.A. Bill No. 22 of 1954), as passed by the Assembly, be passed into law.' "

The motion was carried and the Bill was passed into law.

(3) THE MADRAS ELECTRICITY UNDERTAKINGS (ACQUISITION) BILL, 1954 (L.A. BILL NO. 23 OF 1954).

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—" Mr. Chairman, Sir, I beg to move—

'*That the Madras Electricity Undertakings (Acquisition) Bill*[a], 1954 (*L.A. Bill No.* 23 *of* 1954), *as passed by the Assembly, be taken into consideration.*'

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[a] Printed as Appendix IV on pages 199–219 infra.